

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: Lloyd WiseTanjong Pagar P.O Box 636 Singapore 910816		Date of mailing <i>(day/month/year)</i> 22 DEC 2004	
Applicant's or agent's file reference FP2419		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/SG2004/000340	International filing date <i>(day/month/year)</i> 15 October 2004	Priority date <i>(day/month/year)</i> 17 October 2003	
International Patent Classification (IPC) or both national classification and IPC Int. Cl. ⁷ G06F 19/00, 17/30			
Applicant NATIONAL UNIVERSITY OF SINGAPORE et al			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer MATTHEW HOLLINGWORTH Telephone No. (02) 6283 2024
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International application No.

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 2-3, 10, 18-19, 26, 33-35	YES
	Claims 1, 4-9, 11-17, 20-25, 27-32, 36	NO
Inventive step (IS)	Claims	YES
	Claims 1-36	NO
Industrial applicability (IA)	Claims 1-36	YES
	Claims	NO

2. Citations and explanations:

- D1: WO 2001/084444 A1 (COMEDEX, INC.), 8 November 2001
- D2: US 2003/0182160 A1 (LAHTEENMAKI), 25 September 2003
- D3: WO 2001/065452 A1 (MANNATECH, INC.), 7 September 2001

NOVELTY (N) claims 1, 4-9, 11-17, 20-25, 27-32, 36

Claims 1, 5, 12-17, 21, 28-32 and 36: These claims lack novelty when compared to each of documents D1-D3.

Claims 6-9, 11, 22-25 and 27: D1 discloses all the features of these claims.

Claims 4 and 20: D2 discloses all these claims' features.

Claim 6-7 and 22-23: D3 discloses all these claims' features.

See also the indication contained in Box VI, "Certain documents cited."

INVENTIVE STEP (IS) claims 1-36

Claims 1, 4-9, 11-17, 20-25, 27-32, 36: As above.

Claims 2-10 and 18-26: The features of these claims, when not disclosed in any one of D1-D3, are not considered to confer inventive step in light of that citation. The features are seen merely to define well-known integers in systems of this sort, and would be readily conceived by a skilled addressee during implementation of any of the cited inventions.

Claims 33-35: These claims lack inventive step in light of D2. In this citation, paragraphs 62-80 describe the collation of separate product and active ingredient databases. They do not explicitly describe the claimed steps, such as determining media doses, but their intent is the same. Therefore, the claimed method is seen to be at most a technical equivalent of that described, since the steps themselves are all straightforward.

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Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

	<u>Application No.</u> <u>Patent No.</u>	<u>Publication date</u> <u>(day/month/year)</u>	<u>Filing date</u> <u>(day/month/year)</u>	<u>Priority date (valid claim)</u> <u>(day/month/year)</u>
X, P	EP 1 363 225 A2	19/11/2003	14/05/2003	14/5/2002

The above document discloses all the features of claims 1, 17 and 36, at least.

2. Non-written disclosures (Rules 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)

Date of written disclosure
referring to non-written disclosure
(day/month/year)